

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NEREIDA MENDEZ,

Plaintiff,

v.

DENTISTS, P.C., DENTAL PROFILE, LTD.,  
PERLA DENTAL, DENTAL PROFILE,

Defendants.

Case No. 04 C 4159

Judge Samuel Der-Yeghiayan

**CITATION NOTICE**

**Judgment Debtors last known:**

*Funds for these entities are held in an account under the name of  
AYA Dental:*

Dentists P.C., d/b/a Perla Dental, 106 N. Broadway, Melrose Park, Illinois 60160  
Dental Profile, Ltd., 106 N. Broadway, Melrose Park, Illinois 60160

\* Hold funds under AYA Dental based on the above.

**Creditor's Attorney:**

Kurtz Law Offices, Ltd., 414 S. State Street, Lockport, Illinois 60441, Phone: 815-838-0968

**Judgment in the amount of \$781,181.25.**

**Name of persons receiving citation:**

**MB Financial Bank (Formerly Broadway Bank)**  
**Legal Department**  
**6111 N. River Road**  
**Rosemont, Illinois 60018**  
**Facsimile: (847) 653-0070**

NOTICE: The court has issued a citation against the person above. The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date shown above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. THE JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY

EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

- (1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$2,000.00 in value, in any personal property as chosen by the debtor.
- (2) Social Security and SSI benefits.
- (3) Public Assistance benefits.
- (4) Unemployment Compensation benefits.
- (5) Worker's Compensation benefits.
- (6) Veteran's benefits.
- (7) Circuit Breaker Property Tax Relief benefits.
- (8) The debtor's equity interest not to exceed \$750.00 in value, in any implements professional books, or tools of the trade of the debtor.
- (9) Under Illinois law every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$7,500.00, which homestead is exempt from judgment.
- (10) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage.
- (11) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earning for a week exceed 30 times the federal minimum hourly wage.
- (12) Pension and Retirement benefits and refunds may be claimed as exempt under Illinois Law.

The judgment debtor may have other possible exemptions under the law.

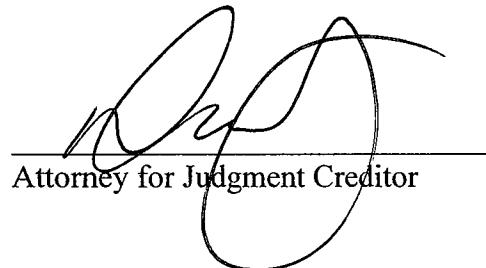
THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at the United States District Court, Northern District of Illinois. When so notified, the Clerk of the United States District Court, Northern District of Illinois will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the judgment debtor's attorney and sent to the judgment creditor regarding the time and location of the hearing.

This notice may be sent by regular first class mail.

**CERTIFICATE OF SERVICE**

I hereby certify that, within 2 business days of service of the citation and citation notice upon a person or party other than the judgment debtor, I served upon the judgment debtor either a copy of the underlying judgment or a certification by the Clerk of the Court that entered judgment or the attorney for judgment creditor setting forth the amount of the judgment, the name of the court and the number of the case, a copy of the citation served upon the third party and a copy of the citation notice.

Dentists P.C., d/b/a Perla Dental  
Dental Profile, Ltd.  
106 N. Broadway  
Melrose Park, Illinois 60160



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Attorney for Judgment Creditor

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NEREIDA MENDEZ,

Plaintiff,

v.

DENTISTS, P.C., DENTAL PROFILE, LTD.,  
PERLA DENTAL, DENTAL PROFILE,

Defendants.

Case No. 04 C 4159

Judge Samuel Der-Yeghiayan

**CITATION TO DISCOVER ASSETS TO THIRD PARTY**

To: **MB Financial Bank (Formerly Broadway Bank)**  
**Legal Department**  
**6111 N. River Road**  
**Rosemont, Illinois 60018**  
**Facsimile: (847) 653-0070**

**YOU ARE COMMANDED** to appear at Kurtz Law Offices, LLC, 414 South State Street, Lockport, Illinois on June 25, 2010 at 9:30 a.m. to be examined under oath to discover assets or income not exempt from the enforcement of the judgment.

A judgment in favor of Nereida Mendez was entered herein on April 27, 2007 in the amount of \$781,181.25 against Defendants DENTISTS, P.C., DENTAL PROFILE, LTD., PERLA DENTAL/DENTAL PROFILE, which remains unsatisfied.

**Your answer will inform the Court as to any and all accounts and property you may hold belonging to, held in part by, or for which any deposits and/or transactions were made DENTISTS, P.C., DENTAL PROFILE, LTD., PERLA DENTAL/DENTAL PROFILE. Funds for these entities are being held under the account name of AYA DENTAL.**

**YOU ARE REQUIRED** to do the following upon receiving this Citation until further Order of the Court in accordance with the Federal Rules of Civil Procedure Rule 69 and Supreme Court Rule 277(f), or until this Citation is dismissed by the Court or by Stipulation.

**YOU ARE PROHIBITED** from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the judgment debtor or to which the judgment debtor may be entitled or which may be acquired by or become due to the judgment debtor and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to the judgment debtor, until further order of court or termination of the proceedings. You are not required to withhold the payment of money beyond double the amount of the judgment.

**WARNING: YOUR FAILURE TO COMPLY WITH THE CITATION PROCEEDING  
MAY RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE  
UNSATISFIED AMOUNT OF THIS JUDGMENT. 735 ILCS 5/2-1402(d)(1).**

**WARNING: YOUR FAILURE TO APPEAR AS HEREIN DIRECTED MAY CAUSE  
YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER A  
CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY  
IMPRISONMENT IN THE COUNTY JAIL.**

MICHAEL W. DOBBINS

CLERK

6-18-10  
DATE

J. Nunez  
By: Deputy Clerk

**CERTIFICATE OF ATTORNEY**

Note: This citation must be accompanied at the time of service by either a copy of the underlying judgment or a certification by either the clerk that entered the judgment or the attorney for the judgment creditor setting forth:

1. Judgment in the amount of \$781,181.25
2. Name of Court: United States District Court, Northern District of Illinois
3. Case No. 04 C 4159

I, the undersigned, certify under penalties as provided by law pursuant to 735 ILCS § 5/1-109 to the Court that the following information is true.

Dana L. Kurtz

Dana L. Kurtz, Esq. (6256245)  
KURTZ LAW OFFICES, LTD.  
414 South State Street  
Lockport, Illinois 60441  
Phone: 815.838.0968  
Facsimile: 312.893.2239  
E-mail: [dkurtz@kurtzlaw.us](mailto:dkurtz@kurtzlaw.us)

**ANSWER**

I, \_\_\_\_\_, certify under penalty of perjury that with regard to the property of the judgment debtor, the Citation Respondent files the following answer to this Citation to Discover Assets and is in possession of the following property of the judgment debtor.

Circle one or more of the following and indicate the amount held:

A) Savings Account (Amount withheld)

\$\_\_\_\_\_

B) Checking and/or Now Account (Amount withheld)

\$\_\_\_\_\_

C) Certificate of Deposit (Amount held)

\$\_\_\_\_\_

D) Money Market Account (Amount held)

\$\_\_\_\_\_

E) Trust Account (Amount held)

\$\_\_\_\_\_

F) Safety Deposit Box

\$\_\_\_\_\_

G) Now Accounts

\$\_\_\_\_\_

H) Adverse Claimant: Name \_\_\_\_\_

Address: \_\_\_\_\_

I) Wages, Salary or Commissions

\_\_\_\_\_

J) Other Personal Property (Describe)

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Attach a sheet for any additional information required by the Citation

Subtotal \_\_\_\_\_

Less right of offset for other loans

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Less deduction for fees limited by 205 ILCS § 5/48.1

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Total:

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According to the business records kept by the Citation Respondent we show the above account to be correct.

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Agent for Citation Respondent

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, Valerie Espinilli, on oath states: I am over 21 years of age and not a party to this case. I served the citation to discover assets as follows: on the third party by mailing a copy on June 21, 2010, by certified mail addressed to agent of the third party defendant, return receipt requested, green card receipt of service attached hereto.

  
\_\_\_\_\_  
Signed and sworn by party making service

6 - 21, 2010

**Attorney for Judgment Creditor:**

Dana L. Kurtz, Esq. (6256245)  
KURTZ LAW OFFICES, LTD.  
414 South State Street  
Lockport, Illinois 60441  
Phone: 815.838.0968  
Facsimile: 312.893.2239  
E-mail: [dkurtz@kurtzlaw.us](mailto:dkurtz@kurtzlaw.us)

**Kurtz Law Offices, Ltd.**

414 South State Street  
Lockport, Illinois 60441  
Phone: 815.838.0968  
Fax: 312.893.2239  
[www.kurtzlaw.us](http://www.kurtzlaw.us)

**FAX COVER SHEET**

<b>To:</b> MB Financial Bank (Formerly Broadway Bank)  Legal Department	<b>Fax:</b> 847.653.0070
<b>From:</b> Dana L. Kurtz	<b>Date:</b> June 21, 2010
<b>Re:</b> Mendez v. Dentists P.C., et al  Case # 04 C 04159	<b>Pages:</b> 10 (including cover sheet)

**Urgent**     **Reply ASAP**     **Please Comment**     **For Your Records**

**Comments:** See attached.

This communication is for the exclusive and confidential use of the designated recipient. Any other distribution or use is unauthorized and strictly prohibited. If you have received this communication in error, please notify the sender by telephone at 815.838.0968 and return the original message to the above address via the U. S. Postal Service.

TRANSMISSION VERIFICATION REPORT

TIME : 06/21/2010 10:25  
NAME : KURTZ LAW OFFICES LL  
FAX : 3128932239  
TEL :  
SER. # : E7J119339

DATE, TIME	06/21 10:23
FAX NO./NAME	18476530070
DURATION	00:02:06
PAGE(S)	10
RESULT	OK
MODE	STANDARD ECM

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Here  
6.21.10  
MENDEZ

Sent To  
Mr. Franklin A. Mink (Franklin A. Mink)  
Street, Apt. No.: 6111 N. RiverRoad  
or PO Box No.  
City, State, ZIP+4 ROSEMONT, IL 60017

PS Form 3800, August 2006 See Reverse for Instructions

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  X</p> <p>B. Received by (Printed Name) <b>Raul Lucena</b></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>MB Financial Bank (Formerly Broadway Bank) Legal Department 6111 N. River Road Rosemont, Illinois 60018</p>		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail   <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered   <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail   <input type="checkbox"/> C.O.D.  </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p> <p><b>7009 0820 0001 5881 0083</b></p>		<p>Domestic Return Receipt</p> <p>102595-02-M-1540</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

# **EXHIBIT 2**

**Dana Kurtz**

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**From:** Dana Kurtz  
**Sent:** Wednesday, August 18, 2010 10:25 AM  
**To:** 'Edward Campbell'  
**Cc:** 'Brian Rayment'  
**Subject:** FW: Activity in Case 1:04-cv-04159 Mendez v. Perla Dental, et al order on motion to quash Docket 301\_Mendez\_8.18.10 Order Denying MB Mot to Quash.pdf; image001.jpg  
**Attachments:**  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Edward,

See below and attached order. In addition to immediately turning over the bank records and the funds (see citation). I also want to depose someone from the bank on the accounts and transfers from the accounts. As I am sure you know, the bank can be held accountable for any money that has been allowed to be transferred out of the accounts while the citation has been pending.

Please produce the records and information per the citation by no later than this Friday, August 20, 2010. I would like to take the deposition on August 26, 2010 at 1:30 p.m. at my office. Please confirm.

Sincerely,

*Dana*

Dana L. Kurtz, Esq.  
Kurtz Law Offices, Ltd.  
414 South State Street  
Lockport, Illinois 60441  
Office: 815.838.0968  
Cellular: 312.952.0712  
Facsimile: 312.893.2239  
E-mail: [dkurtz@kurtzlaw.us](mailto:dkurtz@kurtzlaw.us)  
Personal fax: 630.214.6318



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**From:** usdc\_ecf\_ilnd@ilnd.uscourts.gov [mailto:[usdc\\_ecf\\_ilnd@ilnd.uscourts.gov](mailto:usdc_ecf_ilnd@ilnd.uscourts.gov)]  
**Sent:** Wednesday, August 18, 2010 10:03 AM  
**To:** [ecfmail\\_ilnd@ilnd.uscourts.gov](mailto:ecfmail_ilnd@ilnd.uscourts.gov)  
**Subject:** Activity in Case 1:04-cv-04159 Mendez v. Perla Dental, et al order on motion to quash

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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**United States District Court**

**Northern District of Illinois - CM/ECF LIVE, Ver 4.0.3**

**Notice of Electronic Filing**

The following transaction was entered on 8/18/2010 at 10:02 AM CDT and filed on 8/18/2010

**Case Name:** Mendez v. Perla Dental, et al

**Case Number:** [1:04-cv-04159](#)

**Filer:**

**WARNING: CASE CLOSED on 04/26/2007**

**Document Number:** [301](#)

**Docket Text:**

**MINUTE entry before Honorable Samuel Der-Yeghiayan: Plaintiffs motion for leave to file response instanter [295] is granted. For the reasons stated below, Third- Party Respondent MB Financial Bank, N.A.s motion to quash citation [286] is denied. Noticed of motion date of 08/24/10 is stricken. Mailed notice [For further details see minute order.] (ea, )**

**1:04-cv-04159 Notice has been electronically mailed to:**

Robert P. Vogt [bvogt@wlv-online.com](mailto:bvogt@wlv-online.com)

Dana L. Kurtz [docketing@kurtzlaw.us](mailto:docketing@kurtzlaw.us), [kurtzlawoffices@gmail.com](mailto:kurtzlawoffices@gmail.com), [vespinili@kurtzlaw.us](mailto:vespinili@kurtzlaw.us), [dkurtz@kurtzlaw.us](mailto:dkurtz@kurtzlaw.us)

Edgar P. Pettit [epetti@pettimurphylaw.com](mailto:epetti@pettimurphylaw.com)

Marshall J. Burt [mjburt@mindspring.com](mailto:mjburt@mindspring.com)

Cindy M. Johnson [cjohnson@jnlegal.net](mailto:cjohnson@jnlegal.net)

**1:04-cv-04159 Notice has been delivered by other means to:**

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This email has been scanned by the MessageLabs Email Security System.  
For more information please visit <http://www.messagelabs.com/email>

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